



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Lansing, Michigan 48909

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MEMORANDUM

DATE: November 28, 2006

TO: District, Municipal, Probate and Family Division Judges
cc: Clerks of Court, District Court Magistrates, Juvenile Registers, and
Probate Registers

FROM: Sandi Hartnell
Manager, Court Services Team

RE: Amendments to MCL 436.1703 - Minor in Possession of Alcohol

The minor in possession provisions of the Michigan Liquor Control Code [MCL 436.1703(3) and (4)] were recently amended. Effective November 27, 2006, if a court defers judgment as allowed under this act and the case is subsequently discharged and dismissed, the court file is required to remain nonpublic after the dismissal. This change must be applied retroactively to cases that were previously discharged and dismissed under this statute. Courts that require assistance in identifying cases that must be returned to nonpublic status should contact their case management software vendor.

The amendments also allow a court to order a person subject to a conviction or juvenile adjudication of, or placed on probation regarding, a violation of MCL 436.1703(1) to submit to a random or regular preliminary chemical breath analysis (PBT). In the case of an emancipated minor under 18 years old, the parent, guardian, or custodian may request that the court order random or regular PBTs as part of the probation.

See the [enrolled version](#) of 2006 Public Act 443 or search for Senate Bill 1226 at www.legislature.mi.gov.

A [revised chart](#), "Guidelines for Processing Circuit and District Court Cases," has been posted to the SCAO website.

If you have any questions, please contact District Court Analyst Sandi Hartnell, 517-373-0122, or Family Division (Juvenile) Analyst Jennifer Warner, 517-373-7454.